

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALLEN HAMMLER,

Plaintiff,

v.

DEMITRIOUS GROUBS, et al.,

Defendants.

No. 2:23-cv-2770 DJC CSK P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 21, 2024, the Magistrate Judge filed findings and recommendations herein which were served on the parties and contained notice that any objections to the findings and recommendations were to be filed within fourteen days. Neither party filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 35) are adopted in full;
2. Defendant's motion to revoke plaintiff's in forma pauperis status (ECF No.

29) is denied;

3. Plaintiff's request for injunctive relief contained in his complaint is dismissed as moot; and

4. Plaintiff is granted thirty days from the date of this order to file an amended complaint raising his Eighth Amendment and retaliation claims against defendant Grubbs and a request for damages only; defendant shall not respond to the amended complaint until ordered by the court; and

5. This case is referred back to the assigned Magistrate Judge for all further pretrial proceedings.

IT IS SO ORDERED.

Dated: January 9, 2025


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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